

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are currently pending. Claims 1, 6, and 11 have been amended; and Claims 12-14 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1, 5, 6, 10, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,377,359 to Higashio (hereinafter “the ‘359 patent”); and Claims 2-4 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘359 patent in view of U.S. Patent No. 5,839,033 to Takahashi et al. (hereinafter “the ‘033 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on October 28, 2005, at which time a proposed amendment to Claim 1 was discussed. At the conclusion of the interview, the Examiner indicated that the proposed amendment regarding the timing of specifying an enlargement/reduction condition would overcome the outstanding rejection of the claims. Further, the Examiner indicated that the outstanding Office Action should be non-final, instead of final, and that a new corrected Office Action would be issued shortly.

Amended Claim 1 is directed to an image processing apparatus, comprising: (1) a document reading unit configured to read a document at a constant speed and to generate image data comprising a digital signal; (2) a size detection unit configured to detect a size of the document read by the document reading unit, wherein the size detection unit is configured to detect the size of the document after said document is read by said document reading unit; (3) a storage unit configured to store the image data generated by the document reading unit in association with information about the detected size of the read document; (4) an

enlargement/reduction specifying unit configured to specify an enlargement/reduction condition when the read document is to be output; (5) an enlargement/reduction factor calculating unit configured to calculate an enlargement/reduction factor unit based on the information about the size of the read document stored in the storing unit and the enlargement/reduction condition specified by the enlargement/reduction specifying unit; and (6) an enlargement/reduction unit configured to carry out enlargement/reduction of the image data stored in the storing unit based on the enlargement/reduction factor calculated by the enlargement/reduction factor calculating unit. Further, Claim 1 has been amended to clarify that the document reading unit is configured to read the document prior to specification of the enlargement/reduction condition. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹

Applicants respectfully submit that the rejection of Claim 1 (and dependent Claim 5) as anticipated by the '359 patent is rendered moot by the present amendment to Claim 1.

The '359 patent is directed to an image processing apparatus that stores and manages image data and is able to output image data in a size equal to the size in the data reading stage independently of the resolutions of the image input device and an image output device. As shown in Figure 1, the '359 patent discloses a scanner 8 that scans an original document and transmits image information to the control device 1. The control device 1 determines the region of the original document read by the scanner by the longitudinal and lateral lengths recognized by the scanner. The original size is then recorded in a hard disk unit 6 together with the image data.² However, Applicants respectfully submit that the '359 patent fails to disclose a document reading unit configured to read the document at a constant speed prior to specification of the enlargement/reduction condition, as recited in amended Claim 1.

¹ See, e.g., Figure 8.

² See the '359 patent, col. 5, lines 23-29.

Accordingly, Applicants respectfully submit that amended Claim 1 patentably defines over the '359 patent.

Moreover, Applicants respectfully submit that U.S. Patent No. 6,081,687 to Munemori et al., which was submitted in an Information Disclosure Statement, also fails to disclose that the document is read prior to specification of the enlargement/reduction condition.

Independent Claims 6 and 11 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 6 and 11 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claim 6 (and dependent Claims 10 and 11) as anticipated by the '359 patent are rendered moot by the present amendment to Claims 6 and 11.

Regarding the rejection of dependent Claims 2-4 and 7-9 under 35 U.S.C. § 103, Applicants respectfully submit that the '033 patent fails to remedy the deficiencies of the '359 patent, as discussed above. Accordingly, Applicants respectfully submit that the rejections of Claims 2-4 and 7-9 are rendered moot by the present amendment to Claims 1 and 6.

The present amendment also sets forth new Claims 12-14 for examination on the merits. New Claim 12, which depends from Claim 1, clarifies that the document reading unit comprises a sheet-through document feeder. New Claim 12 is supported by the originally filed specification and does not add new matter.³ New independent Claim 13 recites the limitations of Claim 1, but also clarifies that the detection unit is configured to detect the size after the image data generated by said document reading unit is stored in said storing unit. Similarly, new independent Claim 14 recites the limitations of Claim 6, but also clarifies that

³ See, e.g., Figure 8.

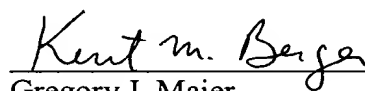
the detecting of the size is performed after the image storing step. No new matter has been added.⁴

Thus, it is respectfully submitted that independent Claims 1, 6, and 11 (and all associated dependent claims) patentably define over any proper combination of the '359 and '033 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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⁴ See, e.g., Figure 9.